

**Excerpt from the
CITY PLANNING COMMISSION MINUTES
Minneapolis Community Planning & Economic Development (CPED)
Planning Division**

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MEMORANDUM

DATE: January 7, 2013

TO: Steve Poor, Planning Manager – Zoning Administrator, Community Planning & Economic Development - Planning Division

FROM: Hilary Dvorak, Interim Planning Manager, Community Planning & Economic Development - Planning Division, Development Services

CC: Jason Wittenberg, Interim Planning Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of December 3, 2012

The following actions were taken by the Planning Commission on December 3, 2012. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued.

Commissioners present: President Motzenbecker, Cohen, Huynh, Luepke-Pier, Mammen, Schiff, Tucker and Wielinski – 8

Not present: Kronzer (excused)

Committee Clerk: Lisa Baldwin (612) 673-3710

6. The Malt Shop (BZZ-5580, Ward: 13), 809 W 50th St ([Becca Farrar](#)).

A. Rezoning: Application by Richard Henke for a petition to rezone the property located at 809 W 50th St from the R1 (Single-family) District to the C1 (Neighborhood Commercial) District in order to legalize the existing nonconforming commercial use of the property as the Malt Shop. The applicant further proposes to convert the basement to a banquet room for the facility.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning petition to change the zoning classification of the property located at 809 W 50th St from the R1(Single-family) District to the C1 (Neighborhood Commercial) District.

Approved on consent 7-0; Kronzer absent.

11. 3605 4th Ave S (BZZ-5849, Ward: 8), 3605 4th Ave S (Shanna Sether).

A. Rezoning: Application by Alioune Thiam for a rezoning petition to change the zoning classification for the property located at 3605 4th Ave S from R1A Single-Family District and R2B Two-Family District to R3 Multiple Family District.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning petition to change the zoning classification for 3605 4th Ave S from R1A Single-Family District and R2B Two-Family District to R3 Multiple Family District.

Approved on consent 7-0; Kronzer absent.

B. Variance: Application by Alioune Thiam for a variance to reduce the minimum north interior side yard setback for an existing multiple-family dwelling with three units from 7 feet to approximately 4.3 feet to allow for the existing structure located at 3605 4th Ave S.

Action: The City Planning Commission adopted the findings and **approved** the variance to reduce the minimum north interior side yard setback for an existing multiple-family dwelling with three units from 7 feet to approximately 4.3 feet to allow for the existing structure located at 3605 4th Ave S (Parcel B), subject to the following conditions:

1. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.
2. All site improvements shall be completed by December 3, 2014, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Approved on consent 7-0; Kronzer absent.

C. Variance: Application by Alioune Thiam for a variance to reduce the minimum front yard setback along 36th St E from 20 feet to 8 feet to allow for the construction of a new two-family dwelling on a reverse corner lot located at 3605 4th Ave S.

Action: The City Planning Commission adopted the findings and **approved** the variance to reduce the minimum front yard setback along 36th St E from 20 feet to 8 feet to allow for the construction of a new two-family dwelling on a reverse corner lot located at 3605 4th Ave S (Parcel A), subject to the following conditions:

1. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.
2. All site improvements shall be completed by December 3, 2014, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Approved on consent 7-0; Kronzer absent.

15. The 155 (BZZ-5829 and PL-271, Ward: 3), 312 Central Ave SE (Janelle Widmeier).

A. Rezoning: Application by Wes Pfeifer with UrbanWorks Architecture, on behalf of Ivy Properties, for a petition to rezone the property located at 312 Central Ave SE from C2 Neighborhood Corridor Commercial District to C3A Community Activity Center District (no change to the overlay districts is proposed) to allow a new 6-story mixed use building with 81 dwelling units.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the petition to rezone the property of 312 Central Ave SE from C2 Neighborhood Corridor Commercial District to C3A Community Activity Center District.

Aye: Cohen, Huynh, Mammen, Schiff, Tucker and Wielinski
Motion passed 6-0; Luepke-Pier not present for the vote.

B. Conditional Use Permit: Application by Wes Pfeifer with UrbanWorks Architecture, on behalf of Ivy Properties, for a conditional use permit for a planned unit development for property located at 312 Central Ave SE.

Action: The City Planning Commission adopted the findings and approved the conditional use permit to allow a planned unit development for the property located at 312 Central Ave SE, subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. As required by section 527.120 of the zoning code, the development shall comply with the standards for the following amenities from Table 527-1, Amenities and those proposed by the applicant totaling a minimum of 20 points: Reflective Roof, Shared Vehicle, Enhanced Exterior Lighting, Enhanced Landscaping, Recycling Storage Area, Green Roof, Plaza, Living Wall System, Decorative Fencing, and Pet Exercise Area.
3. For the pet exercise area amenity, walkways at least four feet in width and exclusive of the ventilation grates shall provide access to the dog run.
4. Applicant will work with staff, in consultation with the neighborhood, to increase public access to the plaza.
5. The applicant shall implement all amenities as required by section 527.120 of the zoning code by December 3, 2014.

Aye: Cohen, Huynh, Mammen, Schiff, Tucker and Wielinski

Absent: Kronzer

Motion passed 6-0; Luepke-Pier not present for the vote.

C. Nonconforming Use Expansion: Application by Wes Pfeifer with UrbanWorks Architecture, on behalf of Ivy Properties, for an expansion of nonconforming use to allow relocation of the bank drive-through lanes for property located at 312 Central Ave SE.

Action: The City Planning Commission adopted the findings and approved the expansion of a nonconforming use to allow relocation of the bank drive-through lanes for the property located at 312 Central Ave SE.

Aye: Cohen, Huynh, Mammen, Schiff, Tucker and Wielinski

Absent: Kronzer

Motion passed 6-0; Luepke-Pier not present for the vote.

D. Variance: Application by Wes Pfeifer with UrbanWorks Architecture, on behalf of Ivy Properties, for a variance to reduce the rear yard requirement adjacent to the north lot line from 15 feet to 14.5 feet to allow the building for property located at 312 Central Ave SE.

Action: The variance to reduce the rear yard requirement adjacent to the north lot line from 15 feet to 14.5 feet to allow the building for the property located at 312 Central Ave SE has been withdrawn.

Aye: Cohen, Huynh, Mammen, Schiff, Tucker and Wielinski

Absent: Kronzer

Motion passed 6-0; Luepke-Pier not present for the vote.

E. Variance: Application by Wes Pfeifer with UrbanWorks Architecture, on behalf of Ivy Properties, for a variance to reduce the rear yard requirement adjacent to the north lot line to allow a transformer and generator for property located at 312 Central Ave SE.

Action: The City Planning Commission adopted the findings and **approved** the variance to reduce the rear yard requirement adjacent to the north lot line to allow a transformer and generator for the property located at 312 Central Ave SE, subject to the following condition:

1. The equipment pad shall be set back at least 10 feet from the lot line adjacent to 2nd Ave SE and additional landscaping shall be provided between the street and the screen fence to further minimize the visual impact of the mechanical equipment.

Aye: Cohen, Huynh, Mammen, Schiff, Tucker and Wielinski

Absent: Kronzer

Motion passed 6-0; Luepke-Pier not present for the vote.

F. Variance: Application by Wes Pfeifer with UrbanWorks Architecture, on behalf of Ivy Properties, for a variance to increase the maximum height of a fence from 6 feet to 8 feet 4 inches to allow a transformer and generator screen for property located at 312 Central Ave SE.

Action: The City Planning Commission adopted the findings above and **approved** the variance to increase the maximum height of a fence from 6 feet to 8 feet 4 inches to allow a transformer and generator screen for the property located at 312 Central Ave SE.

Aye: Cohen, Huynh, Mammen, Schiff, Tucker and Wielinski

Absent: Kronzer

Motion passed 6-0; Luepke-Pier not present for the vote.

G. Variance: Application by Wes Pfeifer with UrbanWorks Architecture, on behalf of Ivy Properties, for a variance of the PO Pedestrian Oriented Overlay District standard to increase the maximum driveway width from 20 feet to 27.5 feet for property located at 312 Central Ave SE.

Action: The City Planning Commission adopted the findings and **approved** the variance of the PO Pedestrian Oriented Overlay District standard to increase the maximum driveway width from 20 feet to 27.5 feet for the property located at 312 Central Ave SE.

Aye: Cohen, Huynh, Mammen, Schiff, Tucker and Wielinski

Absent: Kronzer

Motion passed 6-0; Luepke-Pier not present for the vote.

H. Variance: Application by Wes Pfeifer with UrbanWorks Architecture, on behalf of Ivy Properties, for a variance of the plaza standard requiring enhanced interaction with occupants of adjacent buildings and uses for property located at 312 Central Ave SE.

Action: Notwithstanding staff recommendation, the City Planning Commission **approved** the variance of the plaza standard requiring enhanced interaction with occupants of adjacent buildings and uses for the property located at 312 Central Ave SE, based on the following findings:

1. Multiple access opportunities for the community and on-site uses are proposed that enhance interaction with the plaza.
2. The balconies over the space will enhance the vitality of the space and reinforce the public nature of the space.
3. Proposed lighting and seating should enhance safety and visibility in the plaza.

Aye: Cohen, Huynh, Mammen, Schiff, Tucker and Wielinski

Absent: Kronzer

Motion passed 6-0; Luepke-Pier not present for the vote.

I. Site Plan Review: Application by Wes Pfeifer with UrbanWorks Architecture, on behalf of Ivy Properties, for a site plan review for property located at 312 Central Ave SE.

Action: The City Planning Commission adopted the findings and approved the application for site plan review for a new building with 81 dwelling units for the property located at 312 Central Ave SE, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, floor, site, lighting, plaza and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by December 3, 2014, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The area between the dog run and the north lot line shall be landscaped with turf grass, native grasses or other flowering plants, vines, shrubs or trees as required by section 530.160 of the zoning code.

Aye: Cohen, Huynh, Mammen, Schiff, Tucker and Wielinski

Absent: Kronzer

Motion passed 6-0; Luepke-Pier not present for the vote.

J. Plat: Application by Wes Pfeifer with UrbanWorks Architecture, on behalf of Ivy Properties, for a plat for property located at 312 Central Ave SE.

Action: The City Planning Commission adopted the findings and approved the preliminary plat for the property located at 312 Central Ave SE.

Aye: Cohen, Huynh, Mammen, Schiff, Tucker and Wielinski

Absent: Kronzer

Motion passed 6-0; Luepke-Pier not present for the vote.

Staff Widmeier presented the staff report.

President Motzenbecker: I thought when we were talking about this at CoW, I thought we felt it did meet a lot of the needs with balconies and access from the other building and pulling people back from University...or at least that was the discussion that was had. Whether all people agreed with it or not is not the point I'm making, I'm just saying that I thought it was discussed and was there any further interaction between you and the applicant with regards to that.

Staff Widmeier: It was discussed at the Committee of the Whole meeting. After the meeting, there was some discussion but the applicant still proposed to go forward with not extending the elevator so they chose to pursue the variance.

President Motzenbecker opened the public hearing.

Steve Dunbar (5000 Glenwood Ave) [not on sign-in sheet]: I'm here representing the MN Labor Temple Association. Noah Bly and Wes Pfeifer from UrbanWorks Architecture. I think staff did a great job of laying out the development. Over the last ten months we've been in front of the neighborhood associations and the business associations and have received letters of support from Marcy Holmes, Nicollet Island East Bank and the Northeast Business Association. With that said, I'd ask Mr. Bly to come forward with some additional comments.

Noah Bly [not on sign-in sheet]: I'm happy to be here because we have a fantastic vision for this site. Part of my reason for being excited about it is that I lived, for about ten years, about four blocks from this project. It's a tough block to walk past in its current state. I was there today in the rain and it looked even more dismal. I think we have a great proposed development here that will enhance it significantly. We started working with the neighborhood, with the

Marcy plan and we found a project that seems to comply with the plan to a large degree. The density is there, it's where they call for height and they also say that parking on the ground floor should be shielded if possible. Another focus of the Marcy plan is the pedestrian experience. We think this building will greatly enhance the pedestrian experience. It's a complicated plan; a small building with 81 units and 188 parking stalls, but it's sort of one of those urban Rubik's cubes where you have to shift parts and pieces around. We've had some great assistance from Janelle Widmeier and other staff members who have been very patient with us as we tried to make this project work on this site. I think we've incorporated a lot of great ideas and we've made a lot of progress. The issue that we have is the plaza. We think the plaza is a great improvement as it's drawn, but there's an issue of interpretation about enhanced access. The building involves two different owners. This yellow color on the site plan is the residential amenities and it belongs to a residential condo. The white color is for the commercial parking condo. What we see there is that if we were to extend the elevator, we would have some complications about controlling access to that elevator and allocating the maintenance and we would also lose some residential units above. The main reason is safety and security. Throughout this plan, we have tried to keep those two separate uses very separate. The residential parking is completely separate underneath the building with its own elevators and stairs out of it. The commercial parking does not use the entrance or anything else related to the residential. We're trying to keep those very separate. The security of that existing elevator is very important. It has glass in both the atrium outside the elevator and the elevator itself. It would be problematic for us to extend that elevator up. We do think that the plaza is very convenient for the residents. If the residents want to use the plaza, I think it's convenient for them to enter, to make their way to the plaza from this west entrance or from the main entrance. In the plaza use, we provided access to the dog run to the north. We think that the residents are encouraged to access it and they're also looking at it. There are 18 units that have their windows facing the plaza and there are 18 units that have balconies on to the plaza. We think there's a lot of activation there from the residential side. From the commercial side, doors coming out of the bank building, doors coming out of the restaurant area and the office building and the other commercial uses in the building all will be passing through the plaza and will have the opportunity to sit there and enjoy the use of the plaza, as will the residents in the neighborhood. This is not a secret garden that's kept apart from the neighborhood. We're encouraging people and welcoming them in. We provided bike parking also to draw people in to use that area. We think it will be highly activated by guests and residents and we ask that you would approve the plaza. We do have 22 PUD points; we're required to have 20. I know it doesn't break down this way, but it's sort of like asking for three points out of the five points for the plaza. It's also larger and has the amenities of a larger plaza. I hope you will agree that this is a great benefit.

Commissioner Tucker: Could you explain how the plaza works on the north end? Can you get along the north edge of the Union Bank building there?

Noah Bly: There's a walkway inside the arcade of the Bank building so you can get through here and you can get through here to the dog run.

Commissioner Tucker: What's that rectangle at the top of your plaza?

Noah Bly: We have transformers there. We have utility screened equipment there.

Commissioner Tucker: So it's not really as open as it could be. It doesn't go all the way to the north edge. You have little passages on either side of the screened area.

Noah Bly: That's correct.

Commissioner Tucker: I'd like to know what other ideas you had for making the plaza more active, more connected to adjacent buildings and to public thoroughfare or use. I know you listed a few, but it doesn't seem like you've gone overboard on that and you don't have any alternative ideas for this elevator for instance.

Noah Bly: We would encourage the public use to come through off of University. Our property line ends here and we are providing for people to be able to go out, but we're probably not making a major effort to draw people through that area, that is true.

Commissioner Tucker: Could you make a larger effort there? Could that passage on the west side of your transformer be a little more welcoming?

Noah Bly: Sure, we can make that more open. It's about 30 feet between the building and the screened transformer. This is the equipment right here.

Commissioner Tucker: I was asking about that shaded area to the west of where your pen was.

Noah Bly: That's grass.

Commissioner Tucker: Then there's a pavement before you get to the arcade, right? I'm sorry; I misunderstood where you're enclosed. So it's open all the way to your back fence so one could see the access going west on the north side of the Union Bank building. I would hope that you could work a bit more to make that as obvious, as welcoming, and as public as possible.

Commissioner Huynh: Can you refresh my memory as far as how you're handling safety and welfare concerns of residents? If I was in that corner and I was a resident of the building, how would I get into my unit in the development? Secondly, can you talk about lighting and how that mitigates some of the concern on site?

Noah Bly: The residents access the building here or underground through the parking. The residents have their own parking garage entrance here that goes down. There is a secondary exit here near the bike room for residents to go directly out to the plaza. This elevator here is for bringing users of the commercial ramp up to those upper two levels. In terms of lighting, I don't have the lighting plan with me, but it's an enhanced lighting package that includes bollards and higher lighting.

Commissioner Huynh: Is the intent then to keep that at a lower level in the evenings or what is your intent with the enhanced lighting?

Noah Bly: The lighting will be lit in the evening.

Jo Radzwill (507 2nd Ave SE): You have received our letter. We are very much in favor of this development. We think the plaza will be a nice addition to the two buildings there and we look forward to this development. The only thing is that we have not seen it recently and we are expecting them to come to our meeting in January so we're looking for an update on some of the materials that had not been decided the last time. We asked them to come back so we could see the material. I would like to ask that something be put in about that, if possible.

Commissioner Tucker: Do you have specific concerns about the materials that we should know about that we would put in a condition?

Jo Radzwill: We just didn't know. They hadn't decided at the time what kind of screening materials they were going to have on the parking. That was our biggest concern. Evidently they've decided that now, but we don't know what it is.

Commissioner Tucker: We could figure that out right now.

Noah Bly: We did agree to come back. We were at Marcy twice and the last time we did not have the metal screening, but we will be coming back in January and show them the metal screening. Looking at this view of the building, it's a brick base and there are two types of metal screening. It's perforated metal here and a perforated metal here that serve as a junction between the residential and commercial. Above is a mix of stucco and brick and hardie panel. Those ratios are about 20% brick and 20% stucco and the remainder in either open area or in glazing. I didn't bring the sample with us.

President Motzenbecker: Could you describe the perforation?

Noah Bly: I cannot, sorry.

Commissioner Tucker: Can you explain how residents get their dogs to the run in the back? What is the most likely way you think they would go there?

Noah Bly: I think they go directly through the plaza, stopping for a cup of coffee and enjoying some interactions with their neighbors and then proceeding through the plaza. They exit either here or here and then walk through the plaza back to access the dog park. There is also access to the dog park from the street in this direction.

President Motzenbecker closed the public hearing.

Commissioner Tucker: I will move staff recommendation for item A (Schiff seconded).

Aye: Cohen, Huynh, Mammen, Schiff, Tucker and Wielinski

Absent: Kronzer

Motion passed 6-0; Luepke-Pier not present for the vote.

Commissioner Tucker: The condition number four on application B is about the elevator. I would substitute for that condition for it to say "applicant will work with staff, in consultation with neighborhoods, to increase the public access to the plaza" which could be design elements that get you to that northern edge better. The idea is to get more people going through there. Obviously this means that the variance for the plaza standards, item H, would be approved if we change this condition the way I'm suggesting. (Schiff seconded adding the condition).

President Motzenbecker: I would also kind of talk about the elevator piece. It seems to me, at least from the staff report language, it says “designed to enhance interactions with occupants of adjacent building and uses” and then it has “to enhance pedestrian access, interaction, visibility” – that, to me, is different than “enhanced access”. I see it as two different things. I see you’re enhancing a lot of things versus taking something that already exists and amping it up; that’s my distinction between the two. Without a plaza being there in the first place and by connecting to the existing building and by multiple pathways to University and to the side, I think it does actually enhance that access and interaction with the adjacent building for sure. I think it could be a little better in connecting. I don’t think that might necessitate adding elevator access to that. I think, as we discussed in Committee of the Whole, the balconies being over that space and eyes on the street and people being out in that space is going to enhance the vitality of that space and it’s going to reinforce the public nature of that space because you’re going to have a lot of people looking down on that space. You’re going to have people coming out for lunch, I hope. With the lighting and visually enhanced lighting and the way the seating is, I think that’s going to help with some public safety points that are made on page 25. I would actually, for H, recommend approval of that. I would also add that they can increase public access in other ways but I don’t think the elevator is needed.

Commissioner Tucker: It seems like you could draw people through better. That’s the intent of the staff working with the applicant and consulting with the neighborhood.

President Motzenbecker: All those in favor of striking the current condition four from item B and replacing with “applicant to work with staff to increase public access to the plaza, in consultation with the neighborhood”?

Aye: Cohen, Huynh, Mammen, Schiff, Tucker and Wielinski

Absent: Kronzer

Motion passed 6-0; Luepke-Pier not present for the vote.

President Motzenbecker: The motion on the floor is staff recommendation for the CUP with that condition.

Aye: Cohen, Huynh, Mammen, Schiff, Tucker and Wielinski

Absent: Kronzer

Motion passed 6-0; Luepke-Pier not present for the vote.

Commissioner Tucker: I would move approval of C, E, F, G, H, I, J and then accept the withdrawal of D (Huynh seconded).

Aye: Cohen, Huynh, Mammen, Schiff, Tucker and Wielinski

Absent: Kronzer

Motion passed 6-0; Luepke-Pier not present for the vote.

16. 315 27th Avenue SE (BZZ-5848, Ward: 2), 315 27th Ave SE (Kimberly Holien).

A. Rezoning: Application by Carol Lansing, on behalf of CPM Development, for a rezoning from I1, Light Industrial to C4, General Commercial district, retaining the PO and UA Overlay districts for the property located at 315 27th Ave SE, in the I1, Light Industrial district, PO Pedestrian Oriented Overlay district and UA, University Area Overlay district.

Action: The City Planning Commission recommends that the City Council adopt the findings and deny the application for rezoning from the I1, Light Industrial district to the C4, General Commercial district for the property located at 315 27th Ave SE.

Aye: Cohen, Huynh, Mammen, Schiff and Wielinski

Recused: Motzenbecker

Absent: Kronzer

Motion passed 5-0; Luepke-Pier not present for the vote.

B. Conditional Use Permit: Application by Carol Lansing, on behalf of CPM Development, for a conditional use permit for a blood/plasma collection facility located at 315 27th Ave SE, in the I1, Light Industrial district, PO Pedestrian Oriented Overlay district and UA, University Area Overlay district.

Action: The City Planning Commission adopted the findings and denied the application for a conditional use permit for a blood/plasma collection center for the property located at 315 27th Ave SE.

Aye: Cohen, Huynh, Mammen, Schiff and Wielinski

Recused: Motzenbecker

Absent: Kronzer

Motion passed 5-0; Luepke-Pier not present for the vote.

Staff Holien presented the staff report.

President Motzenbecker: I will be recusing myself from this. Even though I am not working on this project, I just want to clarify for the record that my firm is working on the project where the plasma center currently exists and just for sake of clarity I think it would good if I did not sit on this item, but I am not working on the current project.

Commissioner Tucker opened the public hearing.

Daniel Oberpriller (3905 Vincent Ave S): We are the applicant for this project. We are also the developer for the WaHu student housing project, where currently the CSL Plasma client resides. This is the only plasma collection center in Minneapolis. What we're asking in order to facilitate the development for WaHu being already approved and funded, we'd like to begin construction we have to figure out a use and a place for CSL Plasma to go. The owner of this particular building is set on doing a commercial redevelopment and a mixed use development on this site. They don't believe there is a market there for high density use. There are 10 new U of M projects going on with over 5000 bedrooms being delivered by 2013 and 2014. We feel the highest and best use for this property at this point in time is actually to redevelop it to a C district. Being that CSL Plasma needs somewhere to go; we find it a good fit in a new building. Thanks for the consideration.

Craig Shelenskey (9904 Via Bernini, Lake Worth, FL): I'm the Vice President of operations for CSL Plasma. I was asked to come tonight to give a little information about our business and what we're doing here in Minneapolis. We've been asked to move. Our lease is up August 2014. We've been searching for the last two years for a site and it has been difficult to find. The current center employs about 80 employees. We have a \$3M payroll. We're kind of a reverse retail market because we actually compensate people for their time as they come into the centers. Last year we did \$4.9M in compensation for donors in the U of M center. Total payroll and compensation going in to the area is about \$8M not including rent or taxes or other services that we take on for Minneapolis. I was asked about the plasma. The plasma is consumed by CSL Behring so we are owned by CSL Behring. Plasma is consumed and made into medically necessary products, life sustaining products for people with hemophilia and immune globulin

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disorders. For people like me, the first time I ever heard of immune globulin disorders, it was the bubble boy syndrome where people just didn't have the immunities that they need to have. We're asking to move approximately two blocks, 300 feet. We've been a resident here in the area for over 30 years. I think we started in 1978 when we moved into the area and we've been part of the area since then. About 95% of our donors are within a five mile radius. It's very important for us to have the donors and have a transportation system like you have here in Minneapolis to get our donors to and from our doors. We've made many improvements over the years. We have a very intensive capital infusion program going on throughout our fleet. This center today that has 56 beds, a little bit less than 10,000 square feet. The new center would have 60 beds but it'd be almost 15,000 square feet. The additional space is for donor flow to make sure that even though we made some dramatic improvements over the last two years but to make sure we have adequate space internally for our donors and employees. Two years ago we eliminated cash. Our center does not keep any cash on site; everyone is paid by debit card and it's a continuous debit card so when they come back the money goes back on the same card. It's a commitment we made a few years ago to eliminate cash from our centers. This is our fifth largest center in our fleet. We've been asked about moving it elsewhere. The difficulty we have with that is that to get a center collecting this much just from when we open the doors would take us three years and we don't have the capacity or capability in our current fleet to absorb the losses of the plasma. We've been looking at about 100 sites over the last two years up in this area to see if we could move our donors still locally within this area. Thank you.

Carol Lansing (90 S 6th St): I'm here to discuss with you how rezoning this I1 parcel to C4 is consistent with the guidance in the Comprehensive Plan and the factors you're to consider on rezoning. The land use guidance for this area essentially boils down to mixed use and with high density residential and pedestrian and transit oriented development. This is the site here. You can see it's in this corridor of mixed use guidance. It's important to remember that this guidance of mixed use, high density residential applies to an area and not every parcel or every development within an area guided for mixed use and high density residential is necessarily going to have both and it is not required to have residential. C4 zoning is consistent though with these key objectives. C4 is a mixed use designation. It allows for a variety of commercial uses and it does allow for residential. Where it does exist in the city, C4 is typically on commercial corridor and University is a commercial corridor. C4 is certainly more consistent with this guidance than the current I1 classification. Like the current I1 classification, the C4 does allow for transportation and automobile use but the concerns about those being incompatible with the pedestrian overlay district and transit station area has already been addressed by inclusion in the pedestrian oriented district. The plasma center use itself is very highly transit and pedestrian oriented because most donors rely on those modes of travel. This request for C4 is not so we can take a parcel of land and build a single story building without residential, that building exists and the building is in good condition and it's the property owner's intention to remodel it for a mix of retail or commercial or uses whether or not that includes the plasma center. As Mr. Oberpriller told you, there's no market for the long term goal now of potential high residential development as well on this site. Neither rezoning to the C4 or allowing the remodeling for the plasma center use is going to preclude in the future redevelopment of this site that could include high density residential. If the market comes forward for that, they can apply for a rezoning in the future that would allow higher density at that time, so that's not going to be prohibited by this. Comprehensive Plan policies can, and in this case do, support more than one zoning district classification on this site. Concluding that C4 is consistent is not a conclusion that it is the only consistent classification. The corollary is that no single parcel or development has to promote every single goal in a comprehensive plan. Another factor is if it's in the public interest. It can be in a private and public interest. We believe it is in the public interest to rezone to allow for relocation of the plasma center site. As you heard, it will help facilitate the WaHu development.

The city found when they approved rezoning for that site that that project is in the public interest because it brings high density residential and mixed use to what is really a key property along the central corridor light rail line. It is a different site, but I think it's relevant for looking at this in a big picture format. Relocation of the plasma center and rezoning to this site is also in the public interest. If it is forced out of business because it can't find another site, we're losing a good business that serves an important public health function and provides substantial income for local employees and donors. Relocation has been very challenging because it's only allowed in only C4 or downtown. The downtown district it's allowed in, the B4C, is basically under the Target Center and Target Field. The C4 in town is scattered throughout town but it's fairly limited. Where it's found is mostly on commercial corridors, most of it is on Lake Street and it exists in scattered sites because when the 1999 Comprehensive Plan and commercial zoning classifications came in, it was pretty much only applied to some existing uses to preserve their conformity primarily automotive related uses. It's hard to find and they have searched for years and been unable to find a site. If the plasma center is going to be in Minneapolis, the most likely way to do that is to either rezone a parcel to C4 or amend the zoning code to allow it in other zoning districts. The other reason it's important in this location is the university area. It has been there for 30 years, it's where its donor base is, it's on great transit and it's the best place for this type of use. The staff report expressed concern that some of the uses allowed in the C4 are not compatible with residential uses. I'd like to note that where C4 does exist in the city, in almost every case it abuts residential zoning. In 1999, the City concluded that it can map C4 next to residential. The property owner is willing and volunteers to impose a declaration of restrictive use covenants on the property to prevent use...actually better prevention than zoning because the City can't rezone out of it, to prevent those uses that are of concern like extermination shops or pawn shops or firearms dealers. We do believe that we meet those criteria for why rezoning is consistent with the plan and the factors that you need to consider. Thank you.

Commissioner Huynh: Can you elaborate on if you've pursued other options with zoning districts.

Carol Lansing: The plasma center has worked with Planning over the course of these past couple years to help identify sites. At that stage it was mostly looking at where current zoning would allow it. Staff does understand the dilemma here and I think is considering and discussing whether there's an amendment to be made to allow it in other districts but my understanding is there's no proposal and you need a Council author to do that.

Commissioner Huynh: If this use was allowed in other zoning districts, would that be a new proposal that you'd consider in a separate application?

Carol Lansing: We would work with staff to find a resolution if this isn't. We hope it is because it's the most expedient because it does allow it in this area, but definitely if the resolution was to say we're going to allow it in the C3A, we could be applying for rezoning to C3A if there wasn't another site available.

Jeannette Keys (3300 Girard Ave N): I'm a current donor at CSL. I've been a donor since 1994 [tape ended]...it's close enough for me to still get to work and quickly get home to my family and feed my kids. I know the importance about what the center does, but personally it has helped me take care of my family with the extra money. It's a safe and legal way for me to get money to help provide for my kids and help us with recreation. I don't know a whole lot about the technicalities of everything, but I know for me and other people like me that the center would be best where it is.

Jack LaBrasseur (1577 Rainey Ave, St. Paul): I've been the General Manager at the Arby's Restaurant right next to CSL Plasma for ten years. They've been a good partner. The management team has been really responsive if there have been any issues. In the last five years I haven't had any issues. There's a big benefit to business with the amount of people that they draw in to the area. They draw 300-400 people a day. It really can benefit other businesses in the area. If I ever did have a problem, they have a police officer on site. The managers took care of anything I've ever had. They'd ban a donor if they caused a problem with me. They've been good partners and I'd say that them moving forward would be good for the community.

Jehbeh Kromau (3435 1st Ave S): I'm a junior at the U of M and I started at CSL Plasma in July of this year. I would love for the center to stay in its current area, especially for those of us that go to the U of M and work. It's hard to be a full time college student and have a part time job, but CSL has worked so well with my schedule and it's convenient to get to and from campus. It helps out with people in the area. There are days when I've seen donors come from far places. I've seen donors take the bus and it would be really difficult if they couldn't do that. I live in Maple Grove and take Maple Grove transit to and from work and school was very easy for me. If it wasn't along the central corridor with the light rail, it would make it a lot more difficult for me to go to work, if not impossible to work at CSL. I appreciate your consideration and I really hope it can stay its current location.

Deborah Ho Beckstrom (4672 Slater Road, Eagan): I represent the condominium association at 2600 University Ave SE as well as the one at 29090 University Ave SE known as M Flats Condominium and U Flats Condominium. I speak on behalf of the owners there in that these buildings are approximately three and five years old. There are 75 owners in one building and 48 in another. With the downturn in the economy, these condominium owners have suffered some reduction in the value of their homes and I firmly believe that placing the donor center across the street from these properties would really negatively impact these people's values when they have been trying so hard to improve this neighborhood. I feel that this is somewhat kicking the can down the road. I believe it would be appropriate for them to stay where they're at and to be incorporated as part of the development of the WaHu housing. I don't think it's appropriate to move it down to another portion of the neighborhood where it would have a negative impact. I also believe that in trying to locate another site where it'd be more appropriate for CSL to use local brokers that could help them find space. We are at an all-time high for vacancy in commercial space and I think they need to try harder.

John Wicks (1501 East River Parkway): I'm a member of the PPERIA organization and I authored the letter in your packet. I just want to focus on a couple points. We did meet with the plasma group back in November and had a large showing of residents as well as business leaders. What we learned from that meeting were some of the things we've heard tonight about where the donors come from and that the staff is locally represented as well. We also learned that not all the business owners in the community are pleased with the behaviors on the part of donors once they leave the plasma center. There are reports of harassment of employees as well as trash and bandages thrown on the property and parking illegally in lots. The bigger issue though is the changing of the zoning to the C4 and PPERIA neighborhood really feels that it's a zoning that's not really conducive to families, residential neighbors or neighborhood service businesses. We really don't want to see pawn shops or gun stores or adult only stores in the neighborhood. The PPERIA neighborhood organization has worked over the years with its various subcommittees to develop policies and programs for the development along University Avenue as well as areas north of University Ave for the years ahead once the LRT is in place. There will be greater development for residential community there. We don't feel that this type of use of a plasma center at the location that's being requested is really compatible for the community's further

development. We feel that the location within WaHu is certainly a possibility as well as we would like to see some attempt made to try to develop a compatibility with the U of M since it's a much greater healthcare facility and perhaps the plasma center could be better located there. We're opposed to the movement of the center to 316 27th and changing of the zoning to C4. Thank you.

Rachel Nelsen (217 8th Ave SE): I'm an employee of CSL Plasma and I'm a pre-med student at the U of M. I am a junior double majoring in biology and psychology. I would like to state a couple reasons why keeping CSL in the general location of where it is is incredibly important. I am able to work hands-on with multiple different bodily fluids including blood, plasma and sometimes vomit. This sort of thing on a medical school application is incredibly important. Many students that are applying to medical school have incredible GPA's, MCAT scores, letters of recommendation, but one thing that makes medical applicants stand apart is the experience they have with different types of patients. The opportunity I have to work at CSL is one that provides me with an excellent opportunity. If CSL were to be relocated then I would be unable to work at CSL because I am unable to get there by car because I don't have one. I'd have to take a bus or walk and the likelihood of me being able to get directly from my apartment to the new location is very low. Therefore, keeping CSL close to where it is is incredibly important. Additionally, it is incredibly expensive to apply for medical school and my being able to work at CSL provides me with monetary assistance so I will be able to apply at as many medical schools as I would like. Additionally, because it is on the U of M campus, there are thousands of students on campus every day, not all of them are going to be donating plasma, but several of them require this extra couple hundred dollars a month to fund rent or food or even some fun. I hope you consider keeping it in this spot.

Kristen Clem (2600 University Ave SE) [not on sign-in sheet]: This new location will deeply affect the price value of my house. I've been a resident of this area since 2006. When I used to walk by CSL, I was harassed numerous times. The Arby's manager spoke and said that the cops would help, however, I'm a female walking by myself from class late at night and who knows what could have happened. There were numerous times I'd call friends just to walk me back to my house safely. I think this location should stay where it is. It would detriment my house value right across the street. The clientele, even though they are five miles away, they're coming from north Minneapolis and south St. Paul and coming from different areas. I know that everyone needs money, however, the clientele that's currently frequenting this place is not the kind of clientele I want hanging out across the street from my house.

Phil Anderson (133 Malcolm Ave SE): I oppose the zoning of this property. It has brought up that the PPERIA zoning committee met in November and 41 people attended. There were eleven people from the business community, two of them are here tonight and oppose this rezoning. All eleven of them were opposed to the rezoning. In the two items that were brought up, they were trying to find a relocation place, in that meeting they had not at all approached the U of M for a possible location there. I'm also a member of the District Council's Collaborative of St. Paul and Minneapolis. As a temporary location, there is a location available in four months across the parking lot from their current location in St. Paul that the District Council Collaborative is being moved out of because they want to get rid of it. The other item that the Arby's manager brought up of a police man being on site. There was a police man at that meeting. I asked him how many hours a week the police were at the site and even though the site is open six or seven days a week, there is a police man there 20 hours a week. Maybe they are there at the right time for Arby's but I don't think they're there at the right time for anybody else. I oppose this.

Florence Littman (76 Clarence Ave SE): I'm here as a neighbor even though I am a member of the PPERIA zoning committee. I agree with everything with the planner said regarding the

zoning. I think she did a wonderful job. The one thing that wasn't mentioned is that this is spot zoning. There is no C4 there. One of the dangers of spot zoning is you get a C4 there, even a C4 that says they'll sign an agreement, but someone else can come in and see C4 and want to do it elsewhere too and it spreads. Even if you have a restrictive covenants, it's not going to apply to any other C4 or other parcel rezoned to C4. I love in Prospect Park and I don't usually walk out alone late at night, but I walk on the other side of the street when I pass there and so do a lot of other women in our neighborhood. It has come up that nobody wants CSL in their neighborhood. We realize that plasma is a necessary thing and we think there are probably other ways to deal with it. For one thing, if it's inside a larger building, something larger than this one story building they're talking about, perhaps even a medical facility where you can have more security and the place is cleaner. There could be social workers there to help. There are other places to look. I'm also very concerned that you're looking to change the zoning code so they'll fit someplace else. They have fit in a place where they're going to be much better than they are now. They promised to be a good citizen, but why aren't they a good citizen now? Businesses around there, with the exception of Arby's, don't want them there. In addition, we've seen their police report. The businesses around me, with the exception of Arby's, had many police reports too. When you see the police report, it really worries you. If they were such a good neighbor, they wouldn't have that kind of police report so I think we need a much better way of dealing with this. It's a problem that was made with this new development; they've been working on it for two year. It could be dealt with in a much better way like putting it in WaHu or partnering with some medical facility.

Sergeant Steve Wagner: I'm one of those police officers who works at CSL in the afternoons. I can tell you that in the last 12 months there have been five reports for any service to 1026 Washington SE; one report to Arby's. Arby's was damage to a motor vehicle; someone had broken a window. Of the five reports that were filed at that location, two of those were theft to motor vehicles last winter. It was found that there were two juvenile males who live in the area that were caught afterwards doing the same thing. Once that happened, the trouble was gone. No police report has been filed since May 1, 2012. I think there's a difference in perception and reality here. These people are well behaved. In the year and a half that I've worked at CSL, I've asked one person to please leave the premises and he was not a donor. These people are well behaved, regular customers to the area and I think it's important for the area and the many people who come to CSL for money that's needed and I hope you can keep it in the same location or nearby.

Blake Johnson (2600 University Ave SE): Regarding the conditional use permit, I think that the language of plasma center needs to be revised. It is a pawn shop. It is a body fluid pawn shop. Any notion that we'll be able to tweak this and keep pawn shops and extermination sites out of here is another issue; it is a pawn shop. There is another CSL center eight miles down University Ave in St. Paul right on the bus line – 16 and 50 – the exact same bus line that everyone does take to get to the current CSL in Minneapolis. If the developer does believe that this is such a great idea then they should definitely explain why they cannot fit room for it in their new WaHu development. I do not believe CSL Plasma or plasma donation centers do anything qualitatively good for the immediate area. Thank you.

Jessica Crutch (570 W Sandhurst Dr, Roseville): I have been an employee with CSL for seven years. I started donating plasma before working there. It was conveniently located because I did not have a car while going to school. I applied for about 30 jobs at the U of M and was unable to get a job with the university system. While attending the U of M and getting my degree in public health, CSL Plasma assisted me with my tuition through their tuition reimbursement program. It's a good benefit to keep the plasma collection facility on campus because it does provide

income for students and it provides tuition assistance to their employees. After graduating, I continued to work for the company and got my bachelor's degree in nursing and they continue to help with my tuition. The location is important to stay on campus.

Niddish Khondowe (7225 Guider Dr, Woodbury): I started donating plasma at this location in 2005 and at the time I was living in Richfield. At that time I was unemployed and would take a two bus trek to get to CSL Plasma, it'd take me about an hour and a half. Since then, I've got a good paying job as of September of this year and I continue to come to CSL Plasma from Woodbury. I'll just get sentimental here, I'm sorry to get away from the zoning rules...

Commissioner Tucker: Please stay on the zoning rules.

Niddish Khondowe: The staff is amazing. The people that patron the location, I see people from every walk of life coming there. You say that the type of people that patron CSL Plasma will devalue your property, I think it will enhance your neighborhood greatly.

Commissioner Tucker closed the public hearing.

Commissioner Schiff: I want to thank everybody who took the time to come down today to talk about this. I was presented with this issue a couple weeks ago from Council Member Gordon who represents this area. At the time, it struck me as odd that we'd treat plasma centers different than blood donation centers or stem cell donation centers; it's all biomedical related, it's all necessary, it's all valuable and I think Shane Peterson said it well in a letter that plasma donation is a vital instrument of important medical research and this should not be discounted. That said, Council Member Gordon does not support this rezoning and he is going to be introducing a zoning code text amendment. I don't know what the content of that zoning code text amendment is. I look forward to that as he brings it forward. There are other ways to address this issue and I look forward to seeing those so I'm going to move denial (Wielinski seconded).

Commissioner Cohen: My problem is with the zoning; zoning is forever. Once we approve a C4 zoning, anything goes. As one of the speakers pointed out, anything goes. You can get around any restrictions one way or another. Can this service be provided at a different zoning classification in order to avoid this problem? If that is the case, I have no problem supporting your motion in hopes that a subsequent decision will be made to make this possible but at a lower zoning category that will not involve some of the adverse ramifications that can take place with the C4.

Commissioner Schiff: Absolutely, I believe so.

Staff Dvorak: Currently, we do treat blood and plasma centers the same. If this was the American Red Cross, they would need a rezoning to go to this site just as this site does. On our use table, it's blood/plasma. The only other use that blood or plasma centers are allowed in is the downtown B4C zoning classification in which this is located. We have a policy that we do not location downtown zoning outside of our downtown area, which is defined in the zoning code. Those currently are the only two zoning classifications, B4C and C4, where blood or plasma centers are located.

Commissioner Mammen: I want to also say thanks to everyone who came down. The question isn't if plasma is important. This is spot zoning and I am concerned about that. I am very impressed with the employees of this organization and obviously they care deeply about it, but I

would encourage the owner to look very creatively and differently and work with staff to find something that fits. Thank you.

Commissioner Tucker: I would second most of the comments that commissioners have made. One of the letters that we got from the Southeast Business Association I think summarized things very well, basically saying the C4 is not consistent with City policies for this area and reminding us that zoning is forever and that the density in subsequent development at this site is not what we're really looking for. It concludes that it would be our hope that an alternative solution could be pursued which would still allow for the timely development of the WaHu project, which we supported. I think that's where we're trying to go and I hope that a text amendment may do the job. The motion is to deny.

Aye: Cohen, Huynh, Mammen, Schiff and Wielinski

Recused: Motzenbecker

Absent: Kronzer

Motion passed 5-0; Luepke-Pier not present for the vote.

Commissioner Tucker: We have the CUP for plasma collection. Staff recommends denial. Without the rezoning, I think the motion is to deny this as well, I will move that (Mammen seconded).

Aye: Cohen, Huynh, Mammen, Schiff and Wielinski

Recused: Motzenbecker

Absent: Kronzer

Motion passed 5-0; Luepke-Pier not present for the vote.